

APPROVED: Meeting No. 9-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 6-82

February 1, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 1, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams
(arrived at 9:30 p.m.)

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; City Clerk Helen Heneghan; Director of Community Development and Housing Assistance Douglas Horne; Director of Public Works Robert Goodin; Director of Finance John Lawton; Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Traffic and Transportation Commission has met and considered the request for traffic signalization at North Washington Street and Dawson Avenue. The recommendations will be before the Council after their February 25 meeting.
2. The City was pleased to receive a 9.9 percent interest rate on the bond anticipation notes.

Re: Appointments

Mayor Hanna made the following appointments that were confirmed by the Council:

Energy Commission: Raymond Carroll - 1 year term as Chairman

Steven R. Albersheim - 2 year term
2267 Glenmore Terrace

Recreation & Park Board: Bret L. Hollander - 2 year term
854 College Parkway

Re: Introduction of Ordinance: To
Grant Text Amendment Application
T-45-81, Rockville Planning
Commission Applicant, Townhouse zone

On motion of Councilman Tyner, there was introduced upon the table an ordinance to grant Text Amendment Application, T-45-81, Rockville Planning

Commission Applicant, for townhouse zone, said ordinance to lay over at least one week before final action is taken.

On motion of Councilwoman Fordham, duly seconded and passed by unanimous vote of all present, the lay over and publication rules for this ordinance were waived.
Ordinance No. 4-82

On motion of Councilwoman Fordham, duly seconded and passed by unanimous vote of all present, Ordinance No. 4-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council of Rockville, granting Text Amendment Application T-45-81, was adopted by the Mayor and Council.

Resolution No. 4-82

On motion of Councilman Freeland, duly seconded and passed by unanimous vote of all present, Resolution No. 4-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, adopting the application form for the new townhouse zone amendment was adopted by the Mayor and Council.

Resolution No. 5-82

On motion of Councilman Freeland, duly seconded and passed by unanimous vote of all present, Resolution No. 5-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, approving the application fees for townhouse zone amendment applications was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To Amend Chapter 4 of the Laws of Rockville, entitled "Elections", to clarify the descriptions of election districts and the absentee voting requirements; to delete the explanation requirements for voter assistance; and to clarify the provisions concerning campaign finances and campaign literature; and clarify the provisions governing advisory referenda.

On motion of Councilman Tyner, there was introduced upon the table, an ordinance amending Chapter 4 of the Laws of Rockville entitled "Elections", to clarify the descriptions of election districts and the absentee voting requirements; to delete the explanation requirements for voter assistance; and to clarify the provisions concerning campaign finances and campaign literature; and clarify the provisions governing advisory referenda, said ordinance to lay over at least one week before final action is taken.

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Re: Adoption of Ordinance to
authorize the construction of
North Washington Street as a
special assessment project

Ordinance No. 5-82

On motion of Councilwoman Fordham, duly seconded and passed by unanimous vote of all those present, the ordinance was amended to insert a new paragraph 2 and to renumber paragraphs 3 and 4.

On motion of Councilwoman Fordham, duly seconded and passed by unanimous vote of all present, Ordinance No. 5-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council authorizing the construction of North Washington Street as a special assessment project was adopted, as amended, by the Mayor and Council.

Re: Decisions and Instructions to
staff re Map Amendment Applica-
tion, M-32-81, Pepsi Cola Bottling
Company, Applicant

Councilman Tyner moved, duly seconded, to instruct the staff to prepare the necessary legal documentation to approve this amendment with three criteria: 1) that the storm water management off-site contribution will be made, 2) that the Planning Commission's recommendation will be followed concerning the improvement of Chapman Avenue, and 3) there be no access at all to Twinbrook Parkway because of the traffic congestion. The Council discussed these conditions that would be placed on the map amendment and Mr. Titus explained to the Council the procedure the conditions would necessitate since any conditional zoning requires an additional public hearing. He pointed out that one of the conditions of storm water management contribution is covered completely in the Council's storm water management ordinance. He said the access questions, etc., may be questioned as to their legality in a zoning decision since the use permit and resubdivision process handles those points. Councilman Tyner said he wanted to make his position clear.

Mayor Hanna said he himself has a problem with refusing Twinbrook access. He can see no left turn being allowed, but he would have to vote against no access altogether. Councilwoman Fordham said she does not see the necessity of Twinbrook access, but she hesitates to attach conditions that could lock something in. She said she would prefer that the access not be a condition but that the staff

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find another way to enforce this. Mayor Hanna said he has no objection to the Planning Commission's recommendation of a slip ramp. Councilman Tyner withdrew his motion and the seconder agreed.

Councilman Tyner moved, duly seconded, that the staff prepare the necessary legal documentation to approve the application and in some way address the points previously discussed by the Mayor and Council. The motion passed unanimously.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Evelyn A. Roberts, Chairperson of the Alliance of Rockville Citizens, 530 Azalea Drive. Ms. Roberts told the Council, speaking on behalf of ARC, that she endorses the changes to the election ordinance, particularly the deletion of the reasons for absentee voting. The need may vary and this approach avoids an unnecessary invasion of privacy. The clarification of the districts corrects the inconsistencies and the absentee ballot section clarifies and simplifies. She also noted that removing the persons name from the front of the absentee ballot assured the privacy of the ballot so she endorsed all the changes.

2. Peter Hartogensis, 32 Orchard Way South. Mr. Hartogensis spoke on behalf of the Independents for Rockville political group and endorsed the election changes. He said they are all good changes and there is no need for public hearing.

3. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein told the Council that (1) he has been monitoring traffic on Dundee Road since the signs were put in place. Traffic still moves too fast. There is a partially blind woman in the neighborhood who has problems crossing and both students and adults speed thru. (2) The last Newsletter was not delivered to the Rockshire or Carter Hills Community (3) He is still waiting for the article on the Human Rights Commission to be printed in the City Newsletter and the city is still not listing the vacancies and that should be done.

There being no other citizen wishing to be heard, the mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

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1. Ellen Dudley, re City employees
Mayor Hanna noted this is a very nice letter.
2. Patricia Ogburn re snow removal.
Councilwoman Fordham asked for an explanation. The City Manager said a report would be coming to the Council on this.
3. United States Mission to European Communities, re termination of program.
4. Montgomery County Government, re CDBG.
Councilwoman Fordham noted the amounts the City receives.
5. Scott Brown, re complaint about Silver Rock Park

Re: Information Items

The Mayor and Council noted the following items of information items:

1. Press release from Lincoln Commission
2. Copy of letter from State Ethics Commission
Councilman Tyner asked the status of this. Mr. Titus said an ordinance is being prepared for introduction next week.
3. ACSC activities for December
4. Thank you letter
5. Senior Citizen Spotlight
6. Response to citizen complaint
7. Memo re closing of Congressional Elementary School
Councilman Tyner asked the City Manager what is being done. The City Manager said he would return with information to keep the Council informed on this.
8. Report to Mayor and Council on award of bid for bond anticipation notes

Re: New Business

1. Councilman Freeland said there is a Home Rule Bill in Annapolis that attempts to restore the powers lost due to the Tillie Frank Case. The Municipal League is now supporting the Shepherd's Amendment which Prince Georges County opposes. It may be necessary to make the adjustment without Prince Georges County's approval.

He noted that the LAC of the Maryland Municipal League is drafting a bill to give the municipalities powers on cable franchising in light of the recent Supreme Court decision on local control.

He also noted that the League is following closely the law to increase the gas tax. Councilwoman Fordham said the City should talk to its legislators about this gas tax for road and bridge repair, since it will support road and bridge repair. Mayor Hanna asked that those concerns be put in a letter of support to the Governor.

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2. Councilwoman Fordham said it is important to advise the City's Boards and Commissions of the City's arrangements with the Town Center developer if those arrangements are made. She asked that they be invited to the Planning Commission meeting on Wednesday night for a briefing. Mayor Hanna agreed.

Re: Approval of Minutes
Meeting No. 3-82,
January 18, 1982

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 3-82, January 18, 1982, were approved as amended.

Re: Executive Session

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the meeting was closed for executive session to discuss property disposition.

Re: Adjournment

There being no further busienss to come before the Council in executive session, the meeting was adjourned at 11:30 p.m. to convene again in general session on Monday, February 8, 1982, at 8:00 p.m. or at the call of the Mayor.